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	JUSE-00	L-00	ADS-00	DCP-01	NSAE-00	NSCE-00	OES-01
	BIC-02	OIG-04	QMB-01	OPIC-01	PA-00	PM-00	PRS-00
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TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

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E.O. 12958: DECL: 12/18/04

TAGS: PREL, PGOW, PHUM, EAID, ETRD, SNAR, KSUM, OAS, XM

SUBJECT: RECENT ACTIVITIES AT THE ORGANIZATION OF AMERICAN STATES

REF: 98 STATE 207355

1. CLASSIFIED BY RONALD O. GDDARB, DEPUTY CHIEF OF  
 MISSION, U.S. MISSION TO THE OAS; REASON: 1 (C) AND 1 (D)

## SUMMARY

2. (SBU) A 65-MEMBER TEAM OF OAS ELECTION OBSERVERS  
 PRONOUNCED VENEZUELA'S DECEMBER 6 PRESIDENTIAL ELECTIONS  
 FREE, FAIR AND TRANSPARENT. THE OAS APPROVED A \$78 MILLION  
 BUDGET FOR 1999 AND ALSO APPROVED \$10 MILLION IN TECHNICAL  
 COOPERATION AND ASSISTANCE PROJECTS TO BE UNDERTAKEN BY ITS  
 DEVELOPMENT COUNCIL (CIDI). CIDI PROJECTS INCLUDE \$2  
 MILLION DEVOTED TO EDUCATION PROPOSALS FROM THE SUMMIT OF  
 THE AMERICAS, AS WELL AS AUTHORITY FOR COUNTRIES AFFECTED  
 BY HURRICANES GEORGE AND MITCH TO REPROGRAM EXISTING AND  
 PLANNED PROJECTS TO MEET RECONSTRUCTION NEEDS. THE NEW  
 SPECIAL TREATMENT FOR FREEDOM OF EXPRESSION AGREEMENTS  
 AND THE OAS HUMAN RIGHTS COMMISSION. A NEW OAS HUMAN RIGHTS  
 TO FORM AND JOIN ASSOCIATIONS EXPRESSING CONCERN OVER

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: ADOLPH H EISNER

DATE/CASE ID: 19 NOV 2009 200503654

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 PRESS FREEDOM IN THAT COUNTRY. THE IACHR COMMEMORATED  
 HUMAN RIGHTS DAY WITH AN ADDRESS BY UN HUMAN RIGHTS

COMMISSIONER ROBINSON AND A CALL FOR OAS MEMBERS TO ADOPT  
 MEASURES TO INVOKE AND EXERCISE UNIVERSAL JURISDICTION IN  
 AREAS OF GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES.  
 JAMAICA'S ATTORNEY GENERAL ADDRESSED THE OAS AND CLAIMED  
 THAT THE IACHR'S SLOW CONSIDERATION OF DEATH PENALTY  
 APPEALS DELAYS JUSTICE TO THE POINT THAT CONVICTED  
 MURDERERS' SENTENCES HAVE TO BE COMMUTED TO LIFE  
 IMPRISONMENT. HE DESCRIBED THIS SITUATION AS A MAJOR  
 CHALLENGE TO THE INTEGRITY OF THE INTER-AMERICAN HUMAN  
 RIGHTS SYSTEM.

3. (SBU) SUCCESSFUL MEETINGS WERE HELD UNDER OAS AUSPICES  
 DEALING WITH THE MULTILATERAL EVALUATION MECHANISM FOR  
 NARCOTICS CONTROL, COUNTER-TERRORISM, WOMEN'S ISSUES,  
 PRIVATE INTERNATIONAL LAW, PORTS AND HARBORS, AND GEOGRAPHY  
 AND HISTORY. THE OAS IS HELPING TO COORDINATE THE  
 HEMISPHERE'S RESPONSE TO THE DISASTER CAUSED IN CENTRAL  
 AMERICA BY HURRICANE MITCH. COLOMBIA HAS PROPOSED  
 ELEVATING AN EXPERTS' MEETING ON COMBATING CRIME TO THE  
 MINISTERIAL LEVEL. PROGRESS CONTINUES TOWARD REACHING  
 AGREEMENT ON THE TEXT OF A NEW CONVENTION CALLING FOR  
 TRANSPARENCY IN ARMS ACQUISITIONS, ON DEVELOPMENT OF A  
 DECLARATION ON FREEDOM OF EXPRESSION, AND ON FINAL WORK  
 TOWARD A DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS  
 PEOPLE.

## INTRODUCTION

4. (U) THE PURPOSE OF THESE ROUNDUP CABLES IS TO INFORM  
 POSTS OF OTHERWISE UNREPORTED DEVELOPMENTS IN THE INTER-

AMERICAN SYSTEM AND TO ENABLE OFFICERS TO DISCUSS ISSUES IN  
 THE INTER-AMERICAN SYSTEM WITH THEIR INTERLOCUTORS. THE  
 CABLES ALSO PROVIDE BACKGROUND ON TOPICS ON WHICH POSTS MAY  
 BE ASKED TO MAKE DEMARCHES AT A LATER DATE, PARTICULARLY AS  
 WE APPROACH THE OAS GENERAL ASSEMBLY IN JUNE. INFO  
 ADDRESSEES ARE LARGELY POSTS IN NATIONS THAT MAINTAIN A  
 PRESENCE AS PERMANENT OBSERVERS TO THE OAS AND THAT OFTEN  
 PROVIDE FINANCIAL OR OTHER SUPPORT FOR OAS INITIATIVES IN  
 THIS HEMISPHERE.

## OAS OBSERVATION OF VENEZUELAN ELECTIONS

5. (U) AT THE VENEZUELAN GOVERNMENT'S INVITATION, THE OAS  
 SENT A 65-PERSON TEAM OF OBSERVERS FOR THE DECEMBER 6  
 PRESIDENTIAL ELECTION. (THE STATE DEPARTMENT PROVIDED  
 \$485,000 TO THE OAS UNIT FOR PROMOTION OF DEMOCRACY (UPD),  
 WHICH COVERED NEARLY ALL COSTS OF THE MISSION.) A SMALL  
 ADVANCE GROUP ARRIVED IN OCTOBER AND ALSO MONITORED THE  
 NOVEMBER CONGRESSIONAL ELECTIONS. WHILE NOTING SOME  
 PROBLEMS, THE OAS DECLARED THE DECEMBER ELECTION BETTER  
 ORGANIZED AND MORE EFFICIENT THAN THE NOVEMBER REGIONAL  
 ELECTIONS. THE OAS GROUP, UNDER THE DIRECTION OF THE UPD,  
 WORKED CLOSELY WITH THE VENEZUELAN NATIONAL ELECTORAL  
 COUNCIL (CNE) AND THE POLITICAL PARTIES. SECRETARY GENERAL  
 GAVIRIA WAS PRESENT ON ELECTION DAY. THE OAS OBSERVER  
 MISSION PRONOUNCED THE ELECTIONS "CLEAN, FAIR, AND  
 TRANSPARENT."

6. (U) COMMENT: AN USOAS MISSION OFFICER PARTICIPATED  
 IN THE ELECTORAL OBSERVATION MISSION AND DISCLOSED BOTH

THE UNEXPECTED IMPACT OF THE OAS IN THESE SITUATIONS AND  
 THE NEED FOR BETTER OAS ADMINISTRATIVE MANAGEMENT OF  
 THE U.S. FUNDING. THE OAS HAS THE LARGEST NUMBER OF

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INTERNATIONAL OBSERVER GROUP, WITH AN OBSERVER IN EVERY STATE AND MOST MUNICIPALITIES. OBSERVERS HAD AN EXHAUSTING DAY COVERING AT LEAST 5 BUT OFTEN MORE PRIMARY AND SECONDARY SITES DURING THE DAY. SOME SITES OPENED AN HOUR EARLIER THAN THE 7:00 A.M. ANNOUNCED TIME, WHILE OTHERS ENCOUNTERED SHORT DELAYS, USUALLY ONLY 30 MINUTES OR SO; MANY CLOSED WITHIN AN HOUR OF THE REQUIRED 4:00 P.M. TIME. THIS ALLOWED THE OAS TO GET A QUICK COUNT JUST BEFORE THE ONE ANNOUNCED CHAVEZ THE WINNER. THE OAS WAS KNOWN EVERYWHERE AND WELCOMED BY PEOPLE WHO EXPRESSED THEIR PLEASURE AT THE INTERNATIONAL INTEREST IN VENEZUELA'S DEMOCRATIC PROCESS.

## OAS 1999 BUDGET APPROVED AT SPECIAL GENERAL ASSEMBLY

7. (U) A SPECIAL GENERAL ASSEMBLY WAS CONVOKED NOVEMBER 12-13 TO DEBATE AND APPROVE THE 1999 OUDGET AND SCALE OF ASSESSMENTS. U.S. PERMANENT REPRESENTATIVE TO THE OAS AND VICTOR MARRERO WAS SELECTED BY LOT TO BE THE PROVISIONAL PRESIDENT OF THE ASSEMBLY AND THEN WAS ELECTED BY ACCLAMATION TO CONTINUE IN THAT ROLE. APPROVED UNANIMOUSLY, THE \$78 MILLION BUDGET CONTINUES THE DOWNWARD TREND IN RESOURCES AND STAFF, WHILE BEING GIVEN AN INCREASING NUMBER OF MANDATES. APPROVAL CAME AFTER WEEKS OF DIFFICULT DEBATE AND NEGOTIATIONS, WITH A SMALL WORKING GROUP ACTUALLY BROKERING THE DEAL. REPRESENTATIVES FROM THE U.S., CANADA, MEXICO, PERU, HONDURAS AND BELIZE WERE

TASKED WITH ACHIEVING A SOLUTION TO THE ISSUE OF REDUCED FUNDING AND INCREASED MANDATES. TO FURTHER COMPLICATE THINGS, FIXED COSTS -- ESPECIALLY PERSONNEL -- ARE CONSUMING MORE OF THE AVAILABLE RESOURCES WHILE FUNDS FOR PROGRAMS ARE DECREASING. THE RESULTING \$78 MILLION FIGURE INCLUDED ALL MANDATES, NEW AND OLD, BUT AT MINIMAL LEVELS OF FUNDING.

8. (U) THE OTHER MAJOR ISSUES ADDRESSED AT THIS ASSEMBLY WERE REVISING THE SCALE OF ASSESSMENTS (OUBTAS), WHICH WAS DEFERRED UNTIL THE NEXT GENERAL ASSEMBLY, AND SANCTIONS FOR NONPAYMENT. CANADA INTRODUCED A RESOLUTION TO APPLY SEVERAL SANCTIONS TO MEMBER STATES IN ARREARS. (WHILE THE U.S. OWES THE LARGEST AMOUNT OF ARREARS, THE RESOLUTION WOULD NOT HAVE AFFECTED US, SINCE IT STATED THAT A MEMBER MUST BE TWO YEARS IN ARREARS BEFORE SANCTIONS WOULD APPLY. IT WOULD, HOWEVER, HAVE AFFECTED A NUMBER OF OTHER MEMBERS.) AFTER SPIRITED DEBATE, THE ONLY SANCTION APPROVED WAS TO WITHHOLD OAS FUNDING FOR COUNTRIES THAT OFFERED TO HOST MEETINGS, IF THEY WERE MORE THAN TWO YEARS IN ARREARS.

9. (U) THE MOST CONTROVERSIAL TOPIC IN THE BUDGET RESOLUTION ITSELF WAS A PROPOSED CONFLICT OF INTEREST CLAUSE THAT SET A ONE-YEAR PERIOD BEFORE ANYONE WORKING IN A MISSION ACCREDITED TO THE OAS COULD SEEK OR BE EMPLOYED AT THE OAS. AMBASSADORS FROM CARICOM AND SOME CENTRAL AMERICAN COUNTRIES REFUSED TO ENDORSE THIS PROVISION AND IT WAS REMOVED FROM THE RESOLUTION.

10. (U) THE ISSUE OF SUPPORT FOR CENTRAL AMERICA IN THE

WAKE OF HURRICANE MITCH ALSO FIGURED AS A MAJOR TOPIC AT THE ASSEMBLY AND WAS ADDRESSED BY COMMITTING \$150,000 FROM RESERVES TO ASSIST IN CENTRAL AMERICAN RECONSTRUCTION.

\$1.9 MILLION IN DEVELOPMENT PROJECTS APPROVED

11. (U) ON NOVEMBER 17, THE PERMANENT EXECUTIVE COMMITTEE OF THE INTER-AMERICAN COUNCIL FOR INTEGRAL DEVELOPMENT

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(CIDI) APPROVED 74 DIFFERENT PROJECTS TO BE FINANCED BY THE SPECIAL MULTILATERAL FUND (FEMCIDI). THE \$1.9 MILLION TO FINANCE THESE PROJECTS COMES FROM VOLUNTARY CONTRIBUTIONS FROM ALL MEMBER STATES FOR OAS TECHNICAL ASSISTANCE ACTIVITIES. THE PROJECTS SELECTED WERE WINNED FROM SOME 300 PROPOSALS EVALUATED BY NON-PERMANENT SPECIALIZED COMMITTEES (CENPES) IN WHICH TECHNICAL EXPERTS DETERMINE WHETHER PROPOSALS FALL WITHIN AGREED-UPON PRIORITIES AND MEET ELIGIBILITY CRITERIA, AND THEN RANK ORDER THEM FOR FUNDING. IT WAS THE FIRST TIME THIS NEW PROCESS HAD BEEN FULLY OPERATIONAL FOR A CIDI PROGRAMMING CYCLE. MOST OF THE PROJECTS ARE MULTINATIONAL IN SCOPE; ONLY 21 ARE PURELY NATIONAL AND BENEFIT THE LEAST DEVELOPED NATIONS AND THOSE WITH SMALLER ECONOMIES. EDUCATIONAL PROPOSALS FROM THE SUMMIT OF THE AMERICAS PROCESS RECEIVED \$1.9 MILLION IN FUNDING. THE COMMITTEE ALSO APPROVED A PROPOSAL TO ALLOW CENTRAL AMERICAN AND CARIBBEAN COUNTRIES AFFECTED BY HURRICANES MITCH AND GEORGES TO REALLOCATE UNUSED 1998 FUNDS TO RECONSTRUCTION AND DISASTER MITIGATION EFFORTS, AS WELL AS REPROGRAMMING FUNDS FOR EXISTING PROJECTS TO MEET HIGHER PRIORITY NEEDS AS A RESULT OF HURRICANE MITCH.

## USOAS AMBASSADOR NAMED SUMMIT COORDINATOR

12. (U) USOAS AMBASSADOR MARRERO HAS BEEN DESIGNATED THE U.S. SUMMIT COORDINATOR. THE OTHER TWO MEMBERS OF THE SUMMIT IMPLEMENTATION AND REVIEW GROUP (SIRG) TROIKA, CHILE AND CANADA, HAVE BOTH NAMED THEIR OAS AMBASSADORS TO THIS POSITION. A SIRG MEETING WILL AGAIN BE HELD ON THE FRINGES OF THE OAS GENERAL ASSEMBLY THIS JUNE IN GUATEMALA.

## ROBINSON ON HUMAN RIGHTS; IACHR ON PINOCHET

13. (U) UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON SPOKE DECEMBER 9 TO THE OAS AT THE IACHR'S INVITATION AS PART OF THE COMMEMORATION OF HUMAN RIGHTS DAY AND THE FIFTIETH ANNIVERSARIES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN. ROBINSON'S REMARKS FOCUSED ON THE IMPORTANCE OF SOCIAL, ECONOMIC AND CULTURAL RIGHTS AND THE NEED FOR THE UN HUMAN RIGHTS MACHINERY TO WORK IN PARTNERSHIP WITH REGIONAL HUMAN RIGHTS SYSTEMS.

14. (U) THE IACHR TOOK ADVANTAGE OF THIS OPPORTUNITY TO RELEASE THREE RECOMMENDATIONS RELATED TO THE PINOCHET MATTER. IT RECOMMENDED THAT OAS MEMBER STATES: (1) ADOPT LEGISLATIVE AND OTHER MEASURES NECESSARY TO INVOLVE AND EXERCISE UNIVERSAL JURISDICTION IN THE AREAS OF GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES; (2) ADOPT LEGISLATIVE AND OTHER MEASURES TO ENSURE THE RIGHT OF ACCESS TO INFORMATION WITHIN THE CONTROL OF THE STATE,

ESPECIALLY WHEN RELATED TO INVESTIGATIONS OF INTERNATIONAL CRIMES AND GRAVE VIOLATIONS OF HUMAN RIGHTS; AND (3) IF THEY HAVE NOT YET DONE SO, TO SIGN AND RATIFY THE INTERNATIONAL CRIMINAL COURT STATUTE APPROVED IN RBME IN JULY.

15. (U) COMMENT: TWO DAYS LATER, SECCEN GAURIA IN AN OAS PRESS RELEASE TOOK THE OPPOSITE POSITION, EXPRESSING CONCERN OVER THE UNILATERAL APPLICATION OF EXTRATERRITORIALITY OF NATIONAL LAWS.

DEPARTMENT OF STATE BUREAU OF HUMAN RIGHTS

16. (U) IN A SEPARATE WORKING MEETING OF THE

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 DECEMBER 11 PERMANENT COUNCIL SESSION, JAMAICA'S ATTORNEY GENERAL A.J. NICHOLSON ARGUED THAT IACHR DELAYS IN RULING ON DEATH PENALTY APPEALS FROM CERTAIN CARICOM STATES POSE A "MAJOR CHALLENGE TO THE INTEGRITY OF THE HEMISPHERIC SYSTEM." TRINIDAD AND TOBAGO PERMREP AMB. ARHEAUD SUPPORTED NICHOLSON'S INTERVENTION, AS DID DELEGATIONS FROM THE BANAMAS, ANTIGUA AND BARBUDA, BELIZE, BARBADOS, ST. LUCIA, AND ST. VINCENT AND THE GRENADINES. NICHOLSON NOTED THAT CERTAIN CARICOM COUNTRIES WHICH HAVE RATIFIED THE AMERICAN CONVENTION ON HUMAN RIGHTS AND ALSO PERMIT THE DEATH PENALTY ARE REQUIRED TO CARRY OUT DEATH SENTENCES WITHIN FIVE YEARS FROM THE DATE OF SENTENCE UNDER A RECENT RULING OF THE U.K. PRIVY COUNCIL, THEIR HIGHEST COURT OF CRIMINAL APPEAL. ACCORDING TO NICHOLSON, DELAYS AT THE IACHR THREATEN TO EXTEND THE APPELLATE PROCESS BEYOND FIVE YEARS, THEREBY ENSURING THAT JAMAICA AND OTHER COUNTRIES

HAVE TO COMMUTE THE DEATH SENTENCES TO LIFE WITHOUT PAROLE.

17. (SBU) FOR PRECISELY THIS REASON, TRINIDAD AND TOBAGO ANNOUNCED AT THE JUNE OAS GENERAL ASSEMBLY THAT IT HAD GIVEN NOTICE IN MAY OF ITS INTENT TO WITHDRAW FROM THE AMERICAN CONVENTION ON HUMAN RIGHTS. NICHOLSON SAID THAT OTHER CARICOM COUNTRIES MAY BE FORCED TO DO THE SAME IF THE IACHR'S PROCEDURES CANNOT BE EXPEDITED. HE CALLED ON THE PERMANENT COUNCIL TO CONSIDER THIS MATTER A PRIORITY.

18. (C) COMMENT: THE U.S. HAS SIGNED BUT NOT RATIFIED THE AMERICAN CONVENTION (25 OF THE 34 ACTIVE MEMBERS OF THE OAS HAVE RATIFIED), PLACING US IN A DIFFICULT POSITION IN COMMENTING ON THIS MATTER. OUR PRINCIPAL POLICY INTEREST IS IN PREVENTING THE FURTHER FRAGMENTATION OF THE REGIONAL HUMAN RIGHTS SYSTEM. WE ARE DISCUSSING THIS MATTER WITH THE IACHR, WHICH IS CONSIDERING AMENDING ITS REGULATIONS TO FORCE PETITIONERS TO CHOOSE BETWEEN APPEALS TO THE UNITED NATIONS OR TO THE INTER-AMERICAN HUMAN RIGHTS MECHANISM. CURRENTLY, THE IACHR CONTENDS THAT DELAYS RESULT LARGELY BECAUSE PETITIONERS FILE APPEALS WITH THE UN SYSTEM, FOLLOWED BY VIRTUALLY IDENTICAL APPEALS TO THE IACHR IF THE UN APPEAL IS UNSUCCESSFUL. THIS PUTS PRESSURE ON THE IACHR TO DECIDE CASES WITHIN A SHORT TIME FRAME. ADOPTING THE PROPOSED REGULATIONS WOULD ENSURE THAT THE IACHR, IF ELECTED AS THE VENUE OF APPEAL, HAS SUFFICIENT TIME TO RULE WITHOUT FALLING AFOUL OF THE 5-YEAR PERIOD IN EFFECT IN SOME CARICOM COUNTRIES.

## PRESS RAPORTEUR OUTLINES ACTIVITIES, CHALLENGES

19. (SBU) NEW IACHR SPECIAL RAPORTEUR FOR FREEDOM OF EXPRESSION SANTIAGO CANTON BRIEFED THE USOAS MISSION ON HIS ACTIVITIES IN HIS FIRST MONTH ON THE JOB. HE TRAVELED TO PERU WITH THE RECENT IACHR ON-SITE MISSION (AND PREPARED AN INTERIM REPORT SEPARATE FROM THE IACHR REPORT), MET WITH NUMEROUS NGO'S TO BEGIN THE PROCESS OF CREATING A HEMISPHERIC NETWORK OF INFORMATION RELATED TO ABUSES COMMITTED AGAINST JOURNALISTS, AND BEGAN SOLICITING FUNDS TO SUPPLEMENT USAID'S INITIAL \$300,000 2-YEAR CONTRIBUTION. HE WILL SEEK FUNDS FROM PRIVATE SECTOR SOURCES AS WELL AS FROM GOVERNMENTS, AND POINTS OUT THAT ADDITIONAL FUNDING IS CRUCIAL TO ENSURE THE EFFECTIVE IMPLEMENTATION OF HIS MANDATE. CANTON PLANS TO PRESENT HIS FIRST ANNUAL ASSESSMENT OF FREEDOM OF EXPRESSION IN THE HEMISPHERE PRIOR TO THE OAS GENERAL ASSEMBLY IN JUNE.

20. (SBU) AFTER HIS KNOWLEDGE VISIT TO PERU, CANTON RELEASED A PUBLIC STATEMENT EXPRESSING CONCERN OVER FREEDOM OF EXPRESSION IN THAT COUNTRY. IN DECEMBER, CANTON ISSUED ANOTHER PUBLIC STATEMENT, DURING WHICH HE ALLUDED TO HIS VISIT AND OBSERVATIONS. HE STATED THAT THE PERUVIAN GOVERNMENT

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 SOUGHT ON NOVEMBER 30 THE ARREST THROUGH INTERPOL OF THE WIFE AND DAUGHTER OF BARUCH IUCHER. IUCHER IS A MEDIA OWNER WHOM THE GOVERNMENT STRIPPED OF HIS CITIZENSHIP IN A BITTER DISPUTE. CANTON'S STATEMENT CALLS ON PERU TO STOP ITS PERSECUTION OF IUCHER AND HIS FAMILY, WHICH HE CHARACTERIZED AS AN ATTACK ON FREEDOM OF EXPRESSION.

## U.S. SPEARHEADS DECLARATION ON FREEDOM OF EXPRESSION

21. (SBU) USOAS PERMREP AMB. VICTOR MARRERO WAS ELECTED TO CHAIR A WORKING GROUP FORMED TO DRAFT AN INTER-AMERICAN DECLARATION ON FREEDOM OF EXPRESSION; ARGENTINE PERMREP AMB. ARAOZ WILL SERVE AS VICE-CHAIR. THE USOAS MISSION HAS PREPARED A STRONG DRAFT THAT IS LIKELY TO ATTRACT SIGNIFICANT SUPPORT. THUS FAR, MEXICO IS THE ONLY DELEGATION TO EXPRESS OPPOSITION. THE PROPOSED DECLARATION IS DESIGNED TO DISTILL THE MOST IMPORTANT PRINCIPLES OF FREEDOM OF EXPRESSION AND COMMIT OAS MEMBER STATES TO PROTECT THEM. IT SHOULD ALSO PROVE USEFUL TO THE NEW SPECIAL RAPORTEUR AS HE MONITORS PRESS FREEDOM AND THE SAFETY OF JOURNALISTS IN THE REGION.

## IACHR RETURNS FROM HUMAN RIGHTS VISIT TO PERU

22. (C) THE IACHR CONDUCTED AN ON-SITE VISIT TO PERU FROM NOVEMBER 9-13. ACCORDING TO COMMISSION SOURCES (PROTECT), THERE HAVE BEEN SOME IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION, PARTICULARLY IN THE REDUCED INCIDENCE OF FORGED DISAPPEARANCES AND SUMMARY EXECUTIONS, BUT THE ARBITRARY AND POLITICAL NATURE OF THE LEGAL PROCESS IS THE COUNTRY'S GREATEST HUMAN RIGHTS CHALLENGE. THE COMMISSION RECEIVED OVER 3,000 COMPLAINTS ON ITS VISIT, MORE THAN ANY OTHER VISIT SINCE A 1979 TRIP TO ARGENTINA. THE VAST MAJORITY ALLEGED RULE OF LAW AND DUE PROCESS VIOLATIONS. THE COMMISSION'S MEETING WITH PRESIDENT FUJIMORI WENT WELL, ALTHOUGH IT WAS MORE PRO FORMA THAN THE COMMISSIONERS WOULD HAVE LIKED. THE COMMISSION'S VISIT WILL BE REFLECTED IN THIS YEAR'S IACHR ANNUAL REPORT TO THE OAS GENERAL ASSEMBLY IN JUNE.

## MEXICO, BRAZIL RECOGNIZE I-A COURT'S JURISDICTION

23. (U) IN A DECEMBER 10 LETTER TO SECCEN GAVIRIA, THE BRAZILIAN OAS PERMREP AMB. CARLOS ALBERTO LEITE BARBOSA INFORMED HIM THAT THE BRAZILIAN CONGRESS HAD APPROVED PRESIDENT CARDOSO'S REQUEST THAT BRAZIL DECLARE ITS ACCEPTANCE OF THE JURISDICTION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS IN ALL CASES RELATING TO INTERPRETATION OR APPLICATION OF THE AMERICAN CONVENTION ON HUMAN RIGHTS. ON DECEMBER 16 IN A CEREMONY AT OAS HEADQUARTERS, MEXICAN FOREIGN MINISTER ROSARIO GREEN DEPOSITED HER GOVERNMENT'S INSTRUMENTS ALSO ACCEPTING THE COURT'S BINDING JURISDICTION. A MOVE SHE SAID REPRESENTED "A FURTHER STEP TOWARDS STRENGTHENING THE RULE OF LAW IN MEXICO."

## CANADIAN INDIGENOUS LEADER ADDRESSES OAS

24. (U) AT THE DECEMBER 11 PERMANENT COUNCIL SESSION, MR. LARRY PHILLIP FONTAINE, THE NATIONAL CHIEF OF THE ASSEMBLY OF FIRST NATIONS OF CANADA, GAVE A WELL-RECEIVED ADDRESS FOCUSING ON THE SITUATION OF INDIGENOUS POPULATIONS IN CANADA. HE DISCUSSED THE U.K. WORKING GROUP THAT IS CONSIDERING THE U.S. DECLARATION ON INDIGENOUS RIGHTS AND THE OAS WORKING GROUP ON INDIGENOUS RIGHTS. HE STATED THAT THE U.S. DECLARATION ON INDIGENOUS RIGHTS IS THE LATEST, FURTHERING THE FACT THAT SOME INDIGENOUS GROUPS IN

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THE REGION FEEL THAT THE OAS COULD DO A BETTER JOB OF CONSULTING WITH THEM. HE ASKED THAT THE OAS GIVE EVERY

CONSIDERATION TO INCLUDING SUCH GROUPS AND THEIR PERSPECTIVES DURING THE FEBRUARY 10-12 MEETING OF GOVERNMENT EXPERTS IN WASHINGTON THAT WILL CONTINUE WORK ON THE PROPOSED OAS DECLARATION.

## MAR DEL PLATA TERRORISM CONFERENCE COMPLETE SUCCESS

25. (U) THE OAS'S SECOND SPECIALIZED CONFERENCE ON TERRORISM, HELD NOVEMBER 23-14 IN MAR DEL PLATA, ARGENTINA, APPROVED WITH ONLY A HANDFUL OF MINOR CHANGES THE DRAFT COMMITMENT OF MAR DEL PLATA PREVIOUSLY NEGOTIATED IN WASHINGTON, AND THUS MET FULLY U.S. OBJECTIVES AND THOSE OF THE ARGENTINE HOSTS (SEE BUENOS AIRES 6249 FOR A COMPLETE REPORT). THE DOCUMENT CALLS FOR THE OAS GENERAL ASSEMBLY TO CREATE A COORDINATING INTER-AMERICAN COMMITTEE ON TERRORISM (CICTE) AND SETS FORTH GUIDELINES FOR RESPONDING TO TERRORIST INCIDENTS AND ON COMBATING TERRORIST FUNDRAISING. PRESIDENT MENEN CLOSED THE CONFERENCE WITH A CONVENTIONAL BUT ELOQUENT SPEECH ON THE NEED FOR HEMISPHERIC COOPERATION TO COMBAT TERRORISM.

## PORTS OFFICIALS MEET IN COLOMBIA

26. (U) TOP PORT OFFICIALS FROM OAS MEMBER COUNTRIES MET IN CALI, COLOMBIA, DECEMBER 1-4 FOR THE TWENTIETH SESSION OF THE PERMANENT TECHNICAL COMMITTEE ON PORTS. THE COMMITTEE IS THE EXECUTIVE ARM OF THE INTER-AMERICAN PORT AND HARBOR CONFERENCE. URUGUAY CHAIRS THE COMMITTEE; MEXICO IS VICE-CHAIR. THE OAS SERVES AS THE TECHNICAL

SECRETARIAT FOR THIS INTER-GOVERNMENTAL FORUM, WHOSE MAIN OBJECTIVE IS TO HELP COUNTRIES IMPROVE AND MODERNIZE THEIR PORTS AND PROMOTE A MUTUAL ASSISTANCE PROGRAM.

27. (U) DURING THE MEETING, THE DELEGATES AGREED TO ESTABLISH A SOLIDARITY AND SUPPORT PROGRAM FOR THE RECONSTRUCTION OF PORTS IN HONDURAS AND NICARAGUA, WHICH WILL BE COORDINATED BY GUATEMALA AND THE U.S. THEY APPROVED THE 1999 WORK PLAN FOR SEVEN CONSULTATIVE COMMITTEES, WHICH INCLUDE THE TRAINING COMMITTEE, CHAIRED BY THE UNITED STATES; PRIVATIZATION COMMITTEE, CHAIRED BY ARGENTINA; AND LABOR AFFAIRS COMMITTEE, CHAIRED BY BARBADOS. DELEGATES ALSO AGREED TO SEEK EXTERNAL FUNDING FOR A PORT PRIVATIZATION DATABASE (COORDINATED BY ARGENTINA) AND A GEO-SPATIAL MARITIME CARGO DATA SYSTEM, FOR WHICH VANDERBILT UNIVERSITY IN TENNESSEE HAS PROVIDED TECHNICAL SUPPORT. THE PERMANENT TECHNICAL COMMITTEE ALSO TOOK NOTE OF THE RECENT DECISION BY THE CIDI EXECUTIVE COMMITTEE TO TRANSFORM THE PORTS AND HARBORS CONFERENCE INTO A SPECIAL INTER-AMERICAN COMMITTEE ON PORTS (CEIP). THIS TRANSFORMATION FROM CONFERENCE TO COMMITTEE SHOULD PROVIDE A BETTER ORGANIZATIONAL BASIS WITHIN THE OAS FOR PORTS OFFICIALS' MEETINGS AND A CLOSER LINK WITH OTHER CIDI ACTIVITIES. CEIP'S FIRST MEETING IS SCHEDULED FOR OCTOBER 12-14, 1999 IN GUATEMALA CITY.

## OAS GEOGRAPHY AND HISTORY INSTITUTE COUNCIL MEETS

28. (U) THE DIRECTING COUNCIL OF THE PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY (PAIH) MET IN SAN

SAULON, ANTIQUITY HOUSE. THE COUNCIL AGREED TO REINFORCE THE U.S. REQUEST THAT THE PAIH BE REFORMED TO DEVELOP A BETTER LINK WITH THE OAS AND SEVERAL IT ALSO AUTHORIZED THE PAIH SECRETARIAT TO

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PREPARE A PROPOSAL ON MODERNIZATION AND REFORM OF PAIH TO BE PRESENTED AT THE NEXT DIRECTING COUNCIL SESSION IN GUATEMALA IN 1999 (SEE 98 STATE 226499 FOR A COMPLETE REPORT). PAIH FACILITATES COOPERATION AMONG U.S. AGENCIES AND OTHER COUNTRIES ON REGIONAL GEOGRAPHIC, HISTORICAL, CARTOGRAPHIC, AND GEOPHYSICAL STUDIES, PROVIDING IMPORTANT ASSISTANCE IN FIELDS AS DIVERSE AS NATURAL RESOURCES AND AVIATION SAFETY.

## PREPARATIONS FOR PRIVATE INTERNATIONAL LAW MEETING

29. (U) AN EXPERTS' MEETING WAS HELD DECEMBER 3-4 TO WORK ON PREPARATIONS FOR THE SIXTH INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW (CIDIP-VI), LIKELY TO BE CONVENED IN 2000. AMONG THE TOPICS CONSIDERED WERE CROSS-BORDER PRIVATE LOAN AGREEMENTS, PARTICULARLY SECURED FINANCING FOR SMALL AND MEDIUM-SIZED COMPANIES; UNIFORM CUSTOMS AND TRADE DOCUMENTATION; AND THE FACILITATION OF SURFACE TRANSPORTATION THROUGHOUT THE HEMISPHERE. PARTICIPANTS INCLUDED ACADEMICS, LEGAL EXPERTS, AND INTERESTED OFFICIALS FROM GOVERNMENTS, NGO'S AND THE PRIVATE SECTOR. THERE PROBABLY WILL BE TWO ADDITIONAL PREPARATORY SESSIONS BEFORE CIDIP-VI IS HELD.

## NEW U.S. REPRESENTATIVE TO OAS WOMEN'S COMMISSION

30. (U) KATHY JURADO MUNOZ HAS BEEN APPOINTED THE NEW U.S. REPRESENTATIVE TO THE INTER-AMERICAN COMMISSION OF WOMEN (CIM). ESTABLISHED IN 1928, CIM WAS THE FIRST INTERNATIONAL ORGANIZATION FOCUSING ON WOMEN'S ISSUES. IT WORKS TO EXTEND THE CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF WOMEN IN THE HEMISPHERE. MS. MUNOZ IS A PARTNER AT A GOVERNMENT AND PUBLIC AFFAIRS CONSULTING FIRM, AND FORMERLY SERVED AS ASSISTANT SECRETARY FOR PUBLIC AND INTERGOVERNMENTAL AFFAIRS AT THE DEPARTMENT OF VETERANS AFFAIRS. LEADING THE U.S. DELEGATION TO THE NOVEMBER 16-18 ASSEMBLY OF DELEGATES OF THE CIM, MS. MUNOZ WAS ELECTED TO THE EXECUTIVE COMMITTEE, WHICH WILL DO MOST OF CIM'S WORK UNTIL THE NEXT ASSEMBLY IS HELD IN MANAGUA IN 2000. THE CIM ASSEMBLY ALSO PROVIDED A VENUE FOR S/PICW TO FOLLOW-UP ON THE MOST RECENT VITAL VOICES CONFERENCE HELD IN MONTEVIDEO (SEE SEPTTEL FOR A FULL REPORT).

## SMOOTH SAILING FOR TRANSPARENCY

31. (SBU) THE OAS WORKING GROUP DRAFTING THE REGIONAL CONVENTION ON TRANSPARENCY IN ARMS ACQUISITIONS CONTINUES TO MAKE GOOD PROGRESS, AND NEGOTIATIONS ARE NEARLY COMPLETE EXCEPT FOR THREE COUNTERPRODUCTIVE MEXICAN AMENDMENTS THAT STILL NEED TO BE CONSIDERED. THE MOST SERIOUS OF THESE WOULD COMMIT PARTIES TO THE CONVENTION TO NEGOTIATE AGREEMENT ON EFFECTIVE LIMITATIONS TO CONVENTION ARMS IN THE REGION. THE U.S. MISSION BELIEVES THAT MEXICO IS FULLY ISOLATED ON THIS PROPOSAL, AND IS SEEKING TO ENCOURAGE OTHER MAJOR RIO GROUP COUNTRIES TO MAKE CLEAR TO MEXICO THAT ITS PROPOSAL IS A NON-STARTER. WE ANTICIPATE THAT THE

CONVENTION WILL BE OPEN FOR SIGNATURE EARLY IN 1999.

## MULTILATERAL EVALUATION MOVES FORWARD AT CIGAD

32. (U) AT ITS PRE-MEETING MATCH MEETING IN REQUENA, THE INTER-AMERICAN ECONOMIC COMMISSION (CEA) MADE SUSTAINING PROGRESS IN REACHING AGREEMENT ON KEY PORTIONS OF THE EMERGING MULTILATERAL

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EVALUATION MECHANISM (MEMO). A DAY-LONG DISCUSSION OF ELEVEN QUESTIONS ON HOW THE EVALUATIONS WOULD BE CONDUCTED PRODUCED A WIDESPREAD PRELIMINARY CONSENSUS. THE U.S. DELEGATION'S STRONG URGING THAT THE PROCESS DEVELOP IN STAGES -- FROM SIMPLE TO COMPLEX -- WAS ACCEPTED. THE ONDCP REPRESENTATIVE LED OFF AN EXTENDED PRESENTATION ON INDICATORS (PERFORMANCE MEASURES). A FURTHER DAY OF NEGOTIATIONS WORKING FROM A SECRETARIAT PAPER BROUGHT AGREEMENT ON A SUBSTANTIAL PORTION OF THE INDICATORS TO BE CONSIDERED (SEE SEPTEL FOR A FULL REPORT).

## OAS RESPONSE TO HURRICANE MITCH

33. (U) FOLLOWING PRESENTATIONS BY CENTRAL AMERICAN PERMREPS -- PARTICULARLY THOSE OF HONDURAS AND NICARAGUA -- THE OAS PERMANENT COUNCIL AT ITS NOVEMBER 4 MEETING PASSED A RESOLUTION CALLING ON THE SECRETARY GENERAL TO CONVOKE A MEETING OF THE INTER-AMERICAN COMMITTEE FOR EMERGENCY SITUATIONS IN ORDER TO COORDINATE OAS RELIEF EFFORTS. (THE COMMITTEE CONSISTS OF THE SECRETARY GENERAL, THE PRESIDENT OF THE PERMANENT COUNCIL, THE DIRECTOR OF THE

PAN AMERICAN HEALTH ORGANIZATION, THE PRESIDENT OF THE INTER-AMERICAN DEVELOPMENT BANK AND THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE INTER AMERICAN COUNCIL FOR INTEGRAL DEVELOPMENT.) THE RESOLUTION ALSO INVITED OTHER INTER-AMERICAN ENTITIES TO PARTICIPATE IN THE RELIEF EFFORTS WHICH THE COMMITTEE WILL BE ORGANIZING; REQUESTED THE SEGGEN TO WORK WITH PADF (THE OAS-AFFILIATED, PRIVATE SECTOR-ORIENTED PAN AMERICAN DEVELOPMENT FOUNDATION) TO IMPLEMENT A DRIVE TO OBTAIN DONATIONS FROM ALL INTERESTED PERSONS AND FROM PUBLIC, PRIVATE AND NON-GOVERNMENTAL INSTITUTIONS; AND TASKED THE PERMANENT COUNCIL TO REVIEW WAYS OF STRENGTHENING AND IMPROVING COORDINATION OF DISASTER RELIEF WITHIN THE INTER-AMERICAN SYSTEM.

34. (U) AT THE EMERGENCY SITUATIONS COMMITTEE MEETING, AIO'S OFFICE OF FOREIGN DISASTER ASSISTANCE BRIEFED OAS REPRESENTATIVES ON U.S. GOVERNMENT ACTIVITY TO DATE, AND REPRESENTATIVES FROM THE INTER-AMERICAN DEVELOPMENT BANK AND THE WORLD BANK HIGHLIGHTED THE IMMENSE RECONSTRUCTION EFFORT NEEDED, AND OUTLINED WHAT THOSE AGENCIES PLAN TO DO. OTHER NOTEWORTHY CONTRIBUTIONS REPORTED INCLUDED THOSE FROM SPAIN (\$700,000 EXPENDED, \$14 MILLION ON THE WAY, AN ADDITIONAL \$25 MILLION PROMISED FOR RECONSTRUCTION EFFORTS, PLUS \$30 MILLION ALREADY COLLECTED IN PRIVATE SECTOR APPEAL), CANADA (\$3 MILLION PROMISED), AND THE UNITED NATIONS (\$150 MILLION IN RECONSTRUCTION FUNDS). THE PADF REPORTED THAT IT IS WORKING CLOSELY WITH THE PRIVATE SECTOR TO COLLECT AND TRANSPORT IMMEDIATE RELIEF SUCH AS WATER PURIFIERS AND BLANKETS. COMPANIES WHICH CONTRIBUTED TO THE PADF EFFORT INCLUDE CITIBANK, TEXACO, SNELL, CHIQUITA, AND LOCKHEED-MARTIN.

35. (U) AT THE DECEMBER 31 PERMANENT COUNCIL SESSION, AUSTRIA'S PERMANENT OBSERVER DESCRIBED HIS OWN COUNTRY'S MITCH-RELATED AID (ABOUT \$1.5 MILLION, PLUS SUBSTANTIAL DEBT FORGIVENESS) AND THAT OF THE EUROPEAN UNION COMMISSION (ABOUT \$150 MILLION). SEGGEN GAVIRIA ALSO GAVE AN ACCOUNT OF HIS TOUR THROUGH CENTRAL AMERICA, PRAISING ALL INVOLVED IN DISASTER RELIEF EFFORTS.

## COLOMBIA PROPOSES CRIME MINISTERIAL

36. (U) LAST JUNE'S GENERAL ASSEMBLY APPROVED A RESOLUTION ON THE PREVENTION OF AND NON-ACCEPTANCE OF, WHICH CALLED FOR A MEETING OF GOVERNMENT EXPERTS TO FACILITATE A BROAD MEMORANDUM DISCUSSION TO SET STANDARDS

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AND GUIDELINES FOR ADDRESSING INTER-AMERICAN COOPERATION IN THESE AREAS AND PROVIDE A BASIS ON WHICH THE OAS MAY DEVELOP A MULTILATERAL PROGRAM AGAINST CRIME. COLOMBIAN PERMREP AMB. RAMOS BOTERO PROPOSED TO THE OAS COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS ELEVATING THIS EXPERTS MEETING (SCHEDULED FOR EARLY SPRING) TO A MINISTERIAL-LEVEL MEETING INVOLVING INTERIOR MINISTERS, WITH A PREPARATORY CONFERENCE TO BE HELD IN FEBRUARY. ON DECEMBER 16, THE POLITICAL-JURIDICAL COMMITTEE AGREED TO THE PROPOSAL AND BEGAN CONSIDERATION OF THE PROPOSED AGENDA. THE MEETING WILL TAKE PLACE IN APRIL OR MAY. THE PREPCOM WILL LIKELY BE AN EXPERTS-REINFORCED MEETING OF THE POLITICAL-JURIDICAL COMMITTEE IN FEBRUARY.

37. (SBU) COMMENT: THE USOAS MISSION IS CONSULTING WITH OTHER BUREAUS AND AGENCIES TO DETERMINE THEIR INTEREST IN SUCH A MEETING.

## PERU/EQUADOR PEACE AGREEMENT

38. (U) ON NOVEMBER 4, THE PERMANENT COUNCIL MARKED THE SIGNING OF THE PEACE AGREEMENT BETWEEN PERU AND EQUADOR WITH A RESOLUTION CONGRATULATING THE TWO COUNTRIES AND THANKING THE GUARANTOR POWERS "FOR THE FUNDAMENTAL SUPPORT THEY PROVIDED AND THE DEDICATION AND EFFORTS EMPLOYED IN OBTAINING THE AGREEMENTS." THE RESOLUTION FOLLOWED PRESENTATIONS BY THE PERMREPS OF BRAZIL, PERU AND EQUADOR, FOLLOWED BY CONGRATULATORY STATEMENTS BY ALL OTHER DELEGATIONS.

## CALDERON STILL SOLICITING SUPPORT IN SEGGEN RACE

39. (SBU) HONDURAN PRESIDENT FLORES, ON BEHALF OF HIMSELF AND HIS COLLEAGUES FROM GUATEMALA, EL SALVADOR, COSTA RICA AND NICARAGUA, HAS WRITTEN PRESIDENT CLINTON STATING THAT NEXT YEAR THE FIVE CENTRAL AMERICAN COUNTRIES WILL FORMALLY NOMINATE FORMER COSTA RICAN PRESIDENT CALDERON FOR ELECTION TO THE POST OF OAS SECRETARY GENERAL. THE LETTER REQUESTS PRESIDENT CLINTON'S SUPPORT FOR CALDERON'S CANDIDACY. HIRC CHAIRMAN BEN GILMAN WROTE SECRETARY ALORIGHT IN SUPPORT OF CALDERON'S CANDIDACY, AND URGED THAT THE U.S. NOT COMMIT TO ANY CANDIDATE. MEANWHILE, SEGGEN GAVIRIA IS LOBBYING FOR REELECTION, AND THE NEW COLOMBIAN GOVERNMENT HAS BECOME INCREASINGLY ACTIVE ON HIS BEHALF. THE U.S. POSITION

REMAINS THAT IT IS PREMATURE TO MAKE A DECISION OR EXPRESS A PREFERENCE IN THE RACE.

## MORE INTER-AMERICAN CONVENTIONS RATIFIED

40. (U) ON NOVEMBER 12, MEXICAN PERMREP AMB. HELLER DEPOSITED MEXICO'S INSTRUMENT OF RATIFICATION OF THE INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN (CONVENTION OF BELEM DO PARA). ANTIGUA AND BARBUDA'S PERMREP AMB. HURST DEPOSITED HIS GOVERNMENT'S INSTRUMENT OF ACCESSION TO THAT CONVENTION ON NOVEMBER 19. THE CONVENTION OF BELEM DO PARA NOW HAS BEEN RATIFIED BY 29 OAS MEMBERS. (IFI THE U.S. DID NOT SIGN IT, ON THE GROUNDS THAT THE TEXT WAS VAGUE AND POORLY DRAFTED AND BECAUSE THE ISSUE IS AMPLIQUETLY DEALT WITH BY OTHER INTERNATIONAL INSTRUMENTS. (END TYP)

41. (U) ON DECEMBER 7, HONDURAN PERMREP AMB. HELLER DEPOSITED HIS GOVERNMENT'S INSTRUMENT OF PARTICIPATION IN THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION. (END TYP)

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GOVERNMENTS, INCLUDING THE U.S., HAVE SIGNED THIS  
CONVENTION, WHICH THE U.S. SUBMITTED FOR SENATE  
RATIFICATION LAST APRIL.

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42. (U) ALSO ON DECEMBER 7, URUGUAY DEPOSITED ITS  
INSTRUMENT OF RATIFICATION OF THE INTER-AMERICAN CONVENTION  
ON INTERNATIONAL TRAFFIC IN MINORS, AND PANAMA DEPOSITED  
ITS INSTRUMENT OF RATIFICATION OF THE INTER-AMERICAN  
CONVENTION ON SERVING CRIMINAL SENTENCES ABROAD.

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